

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

MELISSA McFADDEN,	:	CIVIL ACTION NO. 18cv544
	:	
Plaintiff,	:	JUDGE SARGUS
	:	
v.	:	MAGISTRATE JUDGE JOLSON
	:	
CITY OF COLUMBUS,	:	
	:	
Defendant	:	

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**JOINT MOTION TO CONTINUE TRIAL DATE**

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The Parties respectfully request a continuance of the Court's Trial Scheduling Order filed on July 1, 2021 (Doc # 44) which currently sets trial for September 20, 2021, to a time in the late winter or spring of 2022, for the reasons set forth below. The Parties also request that corresponding deadlines in the Court's Scheduling Order be extended.

**Memorandum in Support**

This case was set for trial on September 20, 2021 by the Court's Trial Scheduling Order issued July 1, 2021. The Parties have been engaged in discussions surrounding potential settlement, as well as respective trial counsels' schedules and ability to adequately prepare for a trial on September 20, 2021. While the Parties have discussed settlement in good faith and will do so at the settlement conference scheduled for Friday August 6, 2021, the Parties do not believe there is any likelihood that the case will settle.

For several reasons, the Parties will not be able to be fully prepared to try the case on the currently scheduled date of September 20, 2021. First, the witnesses that will be required for trial from the Columbus Division of Police include many of the senior leaders of the Division. As the Court is aware, the City recently hired a new Chief and new Assistant Chief of Police from the City of Detroit's Police Department. For the next few months, the leadership of the Division are engaged in significant onboarding and training duties for the new Chief and Assistant Chief, in addition to their normal duties. A September trial date might be disruptive to those efforts, because the witnesses will need to be involved not just in testifying, but in assisting counsel for the City in preparing for the trial and preparing themselves to testify.

In addition, counsel for both Plaintiff and Defendants have extremely busy fall trial schedules (largely due to cases being delayed during the pandemic) that will not allow them to adequately prepare for this trial as well as the other trials that they have on their calendars. For Plaintiff's counsel, the following cases are set for trial:

10/4/2021 Denoewer v. Union County USDC SD OH Case No. 2:17-cv-660

10/18/2021 Goddard v. Allegiance USDC SD OH Case No. 2:19-cv-1506

11/2/2021 Johnson v. TechR2 Licking County CP Case No. 19-cv-1334

11/18/2021 Johnson v. Novelis Pickaway County CP. Case No. 2020-cv-0183

11/29/2021 Gaiser v. AFS, USDC SD OH Case No. 2:18-cv-01071

12/8/2021 Wilz v. SolarX Eyewear, USDC ND OH Case No. 1:20-cv-01787

For Defendant, the following cases are set for trial in 2021:

9/20/21 Cornley v. Gruber Franklin County CP Case No. 20 CV 02-001213

9/27/21 King v. Columbus USDC SD OH Case No. 2:18-cv-1060

11/8/21 Hood v. Columbus USDC SD OH Case No. 2:17-cv-471

For these reasons, the Parties respectfully request that Court vacate the current trial order and reschedule the trial for early or mid- 2022, as the Court's calendar permits. The Parties request that trial not be set for the weeks of February 1-21 because Plaintiff and her husband have a long-planned, pre-paid international vacation on those dates, and Plaintiff's counsel has a trial set before this Honorable Court beginning February 7, 2022: Faure v. The Ohio State University, Case No. 2:19-cv-01949.

Respectfully submitted:

By: /s/ Westley M. Phillips per consent  
Westley M. Phillips (0077728)  
Susan E. Williams (0073375)  
Assistant City Attorneys  
77 N. Front St., 4 Floor  
Columbus, Ohio 43215-9013  
(614) 645-7385  
Attorneys for Defendants

By: /s/ Samuel M. Schlein  
Samuel M. Schlein (0092194)  
(sschlein@marshallforman.com)  
John S. Marshall (0015160)  
(jmarshall@ marshallforman.com)  
Edward R. Forman (0076651)  
(eforman@ marshallforman.com)  
MARSHALL AND Forman LLC  
250 Civic Center Dr., Suite 480  
Columbus, Ohio 43215-5296  
(614) 463-9790  
Fax (614) 463-9780

**CERTIFICATE OF SERVICE**

I hereby certify that on this 4<sup>th</sup> day of August, 2021, this document was electronically filed via the Court's authorized electronic filing system to all parties involved.

By: */s/ Samuel M. Schlein*  
Samuel M. Schlein (0092194)